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## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Jeffrey A. Shapiro	Steven N. Terranova
COMPANY:	DATE:
USPTO - Art Unit 3653	11/17/2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	5
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	2400-667
RE:	YOUR REFERENCE NUMBER:
Reply Brief	09/840,469

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ ORIGINAL TO FOLLOW

## NOTES/COMMENTS:

Please find attached the following item(s):

- 1) Reply Brief (4 pages).

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rodger Williams

Serial No. 09/840,469

Filed: 04/23/2001

For: **MULTIPLE BROWSER INTERFACE**

Examiner: Shapiro, Jeffrey A.

Art Unit: 3653

Mail Stop Appeal Brief – Patents

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

The present **REPLY BRIEF** is filed in response to the Examiner's Answer mailed September 28, 2005. If any fees are required in association with this reply brief, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

**REPLY BRIEF****A. Introduction**

The Patent Office still has not provided any evidence to combine the references, nor has the Patent Office proven that the elements identified as missing from the references are taught or suggested by the references of record. Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the application on either basis.

**B. Claim Status in the Claims Appendix**

Before addressing the Arguments raised in the Examiner's Answer, Appellant addresses an alleged error. Specifically, on page 2 of the Examiner's Answer, the Patent Office states that the claims in the Appendix to Appellant's Brief contain a minor error, because they do not have status identifiers per 37 C.F.R. § 1.121. Appellant responds by noting that 37 C.F.R. § 1.121 relates to making amendments and makes no indication that the status identifiers set forth in that regulation are applicable to the appeal brief's listings of claims. Likewise, 37 C.F.R. § 41.37(c)(1)(viii) which specifically relates to the claims appendix of an appeal brief makes no mention of status identifiers, nor makes any reference to 37 C.F.R. § 1.121. Rather, the inclusion of status identifiers in the claims appendix seems redundant with the requirement that the status of the claims be set forth in Section Three of the appeal brief pursuant to 37 C.F.R. § 41.37(c)(1)(iii).

Appellant apologizes for any error in the claims, and requests clarification as to what the appropriate standard is for the claims appendix so that Appellant may comply with this requirement in future appeal briefs.

**C. The Patent Office Does Not Substantively Respond to Appellant's Arguments**

The bulk of the Examiner's Answer is a verbatim restatement of the positions originally presented in the Office Action of December 22, 2004. On page 7, line 11 of the Examiner's Answer, the Patent Office provides new analysis as to the basis of the rejection. As best Appellant can determine, the crux of this new analysis is that Appellant's specification effectively (although not literally) describes a display controller as a computer, and because Devine (U.S. Patent No. 6,763,376) shows a workstation 140, Devine effectively shows the claimed display controller. The Patent Office is, in essence, relying on a doctrine of equivalents

style analysis to allege that the claim element is taught by the reference. That is, the Patent Office states "a conventional workstation system or dummy terminal system still contains substantially the same structure, performing substantially the same functions in substantially the same way as Applicants' system."<sup>1</sup> The deficiency of this analysis is that the Patent Office has previously identified the Frame NAT/Router as the display controller. If the Frame NAT/Router is the display controller, then the Frame NAT/Router does not run the browsers as recited in the claim. If the Patent Office is now alleging that the workstation of Devine is the display controller, because it is functionally identical to a display controller, then this interpretation still does not show the claim element, because the workstation does not have two displays as recited in the claims. Either way, the constructions advanced by the Patent Office do not teach or suggest the claimed invention.

Since the combination of references does not teach or suggest the claimed invention, the combination does not establish *prima facie* obviousness. Since the combination does not establish obviousness, the claims are allowable. Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the application.

#### D. Conclusion

The Patent Office has improperly combined the references since the Patent Office has not provided the requisite evidence to support the combination of references. Since the combination is improper, the rejection is improper. Further, even if the combination is proper, the combination does not teach the explicitly recited claim element indicating that the display controller comprises a control system adapted to run browser applications. The Patent Office's use of the Frame NAT/Router of Devine does not show this element, and the Patent Office's use of the workstation of Devine does not show a display controller controlling two displays. Since the Patent Office has not shown the element, the Patent Office has not established obviousness. Since the Patent Office has not established obviousness, the claims are allowable. Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

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<sup>1</sup> Examiner's Answer, page 8, line 21-page 9, line 2.

Respectfully submitted,

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By:



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Date: November 17, 2005  
Attorney Docket: 2400-667

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<u>Kelly Farnon</u>	Name of Sender
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